

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOSUE JEROME WALTON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-09-0281-F
	)	
JIM KEITH, Warden,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Josue Jerome Walton is a state prisoner appearing *pro se* seeking habeas relief from his state court convictions under 28 U.S.C. § 2254. His pleadings are liberally construed.

Magistrate Judge Doyle W. Argo entered a Report and Recommendation on June 9, 2010 (the Report, doc. no. 33), recommending that the petition be granted as to ground two, the second ground for relief among the original seven grounds for relief asserted by petitioner Walton.<sup>1</sup> The Report advised the parties of their right to object to the Report on or before June 29, 2010. The Report further advised that failure to file a timely objection waives the right to appellate review of both factual and legal issues contained in the Report. No objection has been filed, and no request for an extension of time within which to file an objection has been sought.

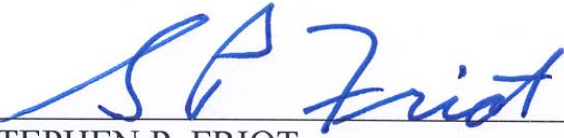
After review, the court concurs with the magistrate judge's determinations. The court further finds that no purpose would be served by repeating the magistrate judge's determinations or by presenting any additional analysis here.

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<sup>1</sup>Earlier, the undersigned adopted the magistrate judge's recommendation that the other six grounds for relief be denied. (Doc. no. 24; adopting November 25, 2009 Report, doc. no. 20.) The court then referred the action back to the magistrate judge for further consideration of ground two.

Accordingly, the June 9, 2010 Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. The petition for writ of habeas relief is **GRANTED** as to ground two.

Dated this 22<sup>nd</sup> day of July, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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